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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER TERMANINI, SAMIR	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,846

Applicant(s)

ROESSLER ET AL.

Examiner

Samir Termanini

Art Unit

2178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

BACKGROUND

1. This Non-Final Office Action is responsive to the following communications: Amendment filed on 5/16/2008.

2. Claim(s) 1, 2, 4-15, 17-19, 21 and 22 are pending. Claim(s) are independent in form.

RESPONSE TO AMENDMENT

3. Amendments addressing the Objections to the drawings made in the previous Office Action (Mail dated: 1/25/2008) have been fully considered and are persuasive. Therefore, the Objections are withdrawn.

4. Arguments concerning the Examiner's Rejections of Claims 14, 15, and 17 under 35 U.S.C. §101 in the previous Office Action (Mail dated: 1/25/2008) have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn.

5. Arguments concerning the Examiner's Rejections of claims 1, 2, 4-15, 17-19, 21 and 22 under 35 U.S.C. §102(b) in the previous Office Action (Mail dated: 1/25/2008) have been fully considered and are persuasive. The rejection(s) have been withdrawn, however, after further search and consideration, new grounds of rejection are made in view of a Robothamv et al. (PG-Pub. 2002/0015042 A1), addressed below.

CLAIM REJECTIONS-35 U.S.C. §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1,2,4-15,17-19,21 and 22** are rejected under 35 U.S.C. 102(b) as being anticipated by *Robothamv et al.* (PG-Pub. 2002/0015042 A1).

I. Citation of Prior Art

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples¹. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art². Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not

¹ *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

² *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocrraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

intended to exclusively dictate, but rather, to demonstrate an exemplary instance where the disclosure is commensurate with the specific limitation(s) being addressed.

II. General Discussion of the Applied Prior Art.

Robothamv et al. relates to display of visual content on a client device using server-side rasterization of visual content. Visual content is rendered on a server system, transformed into bitmaps compatible with the display attributes of a client device, and transmitted for display on the client device. The invention allows the server to perform, in effect, as a remote browser for displaying Web pages, e-mail, e-mail attachments, electronic document and forms, database queries and results, drawings, presentations, and images at the client device. The approach is "remote" because the server does the rendering and the client provides the interface; "multi-level" because rendered visual content is represented as a multi-level set of raster representations; and constitutes a "browsing system" because the client and server share data about the source visual content element being browsed, and the client performs a specific browsing function assisted by the server.

III. Prior Art Anticipation of Claimed Limitations.

As to independent **claim 1**, *Robothamv et al.* describe(s): a computer program product ("...computer program...", para. [0058]), tangibly embodied in a computer-readable storage medium ("...mass storage device ...," para. [0059]), comprising instructions operable on a client computer to: provide on a client computer a user interface for a computer program application ("...client device...", para. [0002]), the user

interface being operable to receive input from a user interacting with the client and from the input to generate user interaction events ("...event processing functions...", para. [0108]); identify on the client one or more possible user interaction events while the user interface is in a current user interface state ("...at different states of play or a transaction at different stages of processing...", para. [0106]), the possible user interaction events being user interaction events that would arise from an input the user interface could possibly receive ("...The server 22 interprets such events as user interface actions on its own proxy display surface 28 and responds by generating the appropriate events and/or actions on its display surface 28, which is transmitted to client 24 for display thereon. Consequently, event processing occurs cyclically, with events caused by user actions transmitted to the server, and appropriately updated display information provided to the client....," para. [0073]), in the current user interface state ("...state of the remote browsing session....," para. [0131]), from the user ; pre-process one or more of the possible user interaction events to generate one or more possible user interface states ("...a context and state for coordinating different functions of the browser....," para. [0075]); store the one or more possible user interface states for later use ("...later time ...," para. [0235]); pre-render one or more of the possible user interface states to generate one or more possible user interface appearances while the user interface is in the current user interface state ("...Each remote browsing session has associated browsing session data 40 that maintains the context and state of the remote browsing session....," para. [0131]); and store the one or more possible user interface appearances for later use ("...In a further embodiment, additional events

received during client event processing are queued for later processing....," para. [0269]).

As to dependent **claim 2**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, further comprising instructions to: receive an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user ("...comparing time-stamps between the current visual content element 10 and the cached representation;...", para. [0321]), make the corresponding one of the possible user interface states the current user interface state ("...accessing refresh data associated with the current visual content element 10....," para. [0321]).

As to dependent **claim 4**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, wherein the instructions to pre-render one or more of the possible user interface states comprise instructions to generate code to render the corresponding user interface states:

[0010] For example, an HTML document can be rendered by an HTML rendering function in one rasterizing mode. This HTML source can also be transcoded to a WML (Wireless Markup Language) format and then rasterized by a WML rendering function in a second rasterizing mode. The two different representations can be associated as a multi-modal set, based on their relationship to the original HTML-encoded visual content element.

[0011] Transcoding can also be used to generate a different version of the source visual content element using the same encoding format as the original. For example, an HTML document can be transcoded into another HTML document, while changing, translating or removing certain encoded data. For example, references to unwanted or objectionable content can be removed, automatic language translation can be applied to text components, or layout directives can be removed or changed to other layout directives.

As to dependent **claim 5**, which depends from claim 4, *Robothamv et al.* further disclose(s): the product of claim 4 wherein the code to render the corresponding user interface states comprises HTML (Hypertext Markup Language) code ("...The format of the text-related content can be represented in a specialized format, a subset of a standard format, such as HTML..., " para. [0529]).

As to dependent **claim 6**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, further comprising instructions to: receive an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, making the corresponding one of the possible user interface appearances a user interface appearance of the current user interface state ("The two different representations can

be associated as a multi-modal set, based on their relationship to the original HTML-encoded visual content element.," para. [0010]) .

As to dependent **claim 7**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, further comprising instructions to: specify an order for pre-processing possible user interaction events

"...In one embodiment, the data transmission is sequenced in a manner allowing an overview representation to arrive first, thereby providing the client 24 device with an opportunity to display the overview representation while other representations are transmitted....,"

(para. [0189]).

As to dependent **claim 8**, which depends from claim 7, *Robothamv et al.* further disclose(s): the product of claim 7, wherein the instructions to specify an order for any pre-processing of possible user interaction events comprise instructions to: estimate the likelihood of the one or more possible user interaction events based on an estimate of the likelihood of different inputs the user interface could possibly receive in the current user interface state from the user ("...The likelihood of a stale cache is increased in the third approach. In one embodiment, the client 24 requests that the server 22 determine if a refresh is recommended, and if so indicates to the user that a "stale" cached version is being displayed until the refresh arrives....," para. [0285]).

As to dependent **claim 9**, which depends from claim 8, *Robothamv et al.* further disclose(s): the product of claim 8, wherein: the user interface comprises a control having instructions to establish estimates of the likelihoods of generating possible user

interaction events from user interaction with the control ("...generating multiple client display surfaces (stored in main memory and/or in mass storage) that collectively represent the single virtual client display surface 26..., " para. [0146]); and the instructions to estimate the likelihood of the one or more possible user interaction events comprise instructions using the estimates established by the control ("...implementation of prioritized viewing for selection," para. [0208]).

As to dependent **claim 10**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, further comprising instructions to: detect a period of inactivity ("...Automatic triggers can be based on one or more criteria such as a time interval and/or the establishment of a certain type of communications link 18..., " para. [0232]); and begin executing the instructions to identify and pre-process only after a period of inactivity ("...In one embodiment, the client 24 requests a refresh when the age exceeds a certain threshold....," para. [0300]).

As to dependent **claim 11**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, wherein: the instructions to pre-process one or more of the possible user interaction events to generate one or more possible user interface states comprise instructions to obtain data from the application for possible user interface states ("...obtains information specifying the dimensions and display characteristics of the client viewport, and explicitly represents the client viewport 16..., " para. [0126]).

As to dependent **claim 12**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, wherein the instructions to identify on the client one

or more possible user interaction events comprise instructions to include as possible user interaction events only those possible user interaction events having an estimated likelihood of occurrence exceeding a threshold ("...The aging threshold can be set by the server 22 and sent to the client or, alternatively, be set by the client 24 or the client user....," para. [0300]).

As to dependent **claim 13**, which depends from claim 1, *Robothamv et al.* further disclose(s): the product of claim 1, wherein: the computer program application is a program running on a server computer in data communication with the client computer ("...The user experience differs from the user experience in which the client 22 propagates the same location events to the server 22....," para. [0287]); and the instructions to provide a user interface on the client computer comprise instructions to provide the user interface in a Web browser ("...In some embodiments, server-side rendering is accomplished using a web browser....," para. [0157]).

As to independent **claim 14**, *Robothamv et al.* describe(s); the user interface being operable to receive input from a user interacting with the client and from the input to generate user interaction events ("...event processing functions....," para. [0108]); identifying on the client one or more possible user interaction events while the user interface is in a current user interface state ("...at different states of play or a transaction at different stages of processing....," para. [0106]), the possible user interaction events being user interaction events that would arise from an input the user interface could possibly receive, in the current user interface state, from the user ; pre-processing one or more of the possible user interaction events to generate one or more

possible user interface states ("...Each remote browsing session has associated browsing session data 40 that maintains the context and state of the remote browsing session....," para. [0131]); storing the one or more possible user interface states for later use, pre-rendering one or more of the possible user interface states to generate one or more possible user interface appearances while the user interface is in the current user interface state ; and storing the one or more possible user interface appearances for later use ("...In a further embodiment, additional events received during client event processing are queued for later processing....," para. [0269]).

As to dependent **claim 15**, which depends from claim 14, *Robothamv et al.* further disclose(s): the method of claim 14, further comprising: receiving an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, make the corresponding one of the possible user interface states the current user interface state ("...the server sends the corresponding partial raster representation to client for browsing....," para. [0027]).

As to dependent **claim 17**, which depends from claim 14, *Robothamv et al.* further disclose(s): the method of claim 14, further comprising: specifying an order for pre-processing the possible user interaction events ("...pre-rendering step....," para. [0018]).

As to independent **claim 18**, *Robothamv et al.* describe(s): An apparatus, comprising: a client computer implementing a user interface for a computer program application ("...executable computer program instructions....," para. [0060]), the user

interface being operable to receive input from a user interacting with the client and from the input to generate user interaction events ("...event processing functions....," para. [0108]); means for identifying one or more possible user interaction events while the user interface is in a current user interface state ("...at different states of play or a transaction at different stages of processing....," para. [0106]), the possible user interaction events being user interaction events that would arise from an input the user interface could possibly receive ("...If a relevant proxy display surface 28 has already been generated for the entire visual content element, then only the transform and possibly transmission functions need to be performed....," para. [0505]), in the current user interface state ("...context and state," para. [0075]), from the user ; means for pre-processing one or more of the possible user interaction events to generate one or more possible user interface states ; means for storing the one or more possible user interface states for later use ; means for pre-rendering one or more of the possible user interface states to generate one or more possible user interface appearances while the user interface is in the current user interface state ("...The likelihood of a stale cache is increased in the third approach. In one embodiment, the client 24 requests that the server 22 determine if a refresh is recommended, and if so indicates to the user that a "stale" cached version is being displayed until the refresh arrives....," para. [0285]); and means for storing the one or more possible user interface appearances for later use ("...In a further embodiment, additional events received during client event processing are queued for later processing....," para. [0269]).

As to dependent **claim 19**, which depends from claim 18, *Robothamv et al.* further disclose(s): the apparatus of claim 18, further comprising: means for receiving an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, making the corresponding one of the possible user interface states the current user interface state ("...accessing refresh data associated with the current visual content element 10....," para. [0321]).

As to dependent **claim 21**, which depends from claim 18, *Robothamv et al.* further disclose(s): the apparatus of claim 18, further comprising: means for specifying an order for pre-processing the possible user interaction events:

"...In one embodiment, the data transmission is sequenced in a manner allowing an overview representation to arrive first, thereby providing the client 24 device with an opportunity to display the overview representation while other representations are transmitted....,"

(para. [0189]).

As to dependent **claim 22**, which depends from claim 12, *Robothamv et al.* further disclose(s): the product of claim 12, further comprising instructions for raising or lowering the threshold ("Similar mechanisms allow the client 24 user to select a lower level representation from a higher level representation. Selection events include user interface actions such as mouse "clicks," pen clicks, or button presses.," para. [0201]).

RESPONSE TO ARGUMENTS

8. Applicant arguments, see pp. 2-4 filed 5/16/2008, with respect to the 35 U.S.C. §102 Rejections cited by the Examiner in the previous Office Action (Mail dated: 1/25/2008), have been fully considered but are moot in view of the new grounds of rejection made in view of newly discovered prior art (i.e., *Robothamv et al.*), addressed *supra*.

CONCLUSION

9. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure.

- [1] *Barrett et al.* (US Patent No. 5,727,129) for teaching a system that tracks a user's past history of websites visited, including the frequency and dates and times of visits, in order to predict what web information is likely to be accessed by the user in the future.
- [2] *Smith et al.* (US Patent No. 6,742,033 B1) for teaching a that network delivered/based content can be sped up to pre-cache internet content where pre-caching internet content may mean downloading information from the internet that the system predicts that the user will request in the future.
- [3] *Aaker et al.* (US Patent No. 5,758,087 A) for teaching a computer, e.g. a server or computer operated by a network provider sends one or more requesting computers (clients) a most likely predicted-to-be selected (predicted) page of information by determining a preference factor for this page based on one or more pages that are requested by the client.
- [4] *Mogul* (US Patent No. 5,802,292 A) for teaching a method for predictive pre-fetching of objects over a computer network.
- [5] *O'Brien et al.* (US Patent No. 6,055,569 A) for teaching a browser working in conjunction with a HTTP server that selectively downloads WWW pages into the browser's memory cache by evaluating the weight to a predetermined browser criteria so only those pages most probably to be downloaded are stored in the browser's memory cache.

- [6] *Horvitz* (US Patent No. 6,067,565 A) for teaching a technique for pre-fetching a web page of potential future interest in lieu of continuing a current information download.
- [7] *Horvitz* (US Patent No. 6,085,226 A) for teaching a method and apparatus for utility-directed prefetching of web pages into local cache using continual computation and user models.
- [8] *Altschuler et al.* (US Patent No. 6,154,767 A) for teaching building a resource (such as Internet content for example) and attribute transition probability models and using such models to predict future resource and attribute transitions.

Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samir Termanini/
Examiner, Art Unit 2178

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178